

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 04-419 JJF  
 :  
 STATE FARM INSURANCE COMPANY, :  
 :  
 Defendant. :

ORDER

WHEREAS, on February 28, 2007, Defendant filed a Motion To Dismiss (D.I. 74) requesting the Court to dismiss this action as a sanction for Plaintiff's failure to cooperate in submitting a pretrial order in accordance with D. Del. Local Rule 16.4;

WHEREAS, in light of the Third Circuit's preference that a case be resolved on the merits, see Scarborough v. Eubanks, 747 F.2d 871, 878 (3d. Cir. 1984), dismissal of the action at this juncture would be an extraordinary sanction;

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion To Dismiss (D.I. 74) is DENIED without prejudice.

IT IS FURTHER ORDERED that a pretrial conference will be held on **Thursday, May 10, 2007, at 12:00 p.m.** The parties shall confer and submit a joint proposed pretrial order on or before **Wednesday, April 18, 2007.** Failure to do so may result in dismissal of the action in accordance with D. Del. L. R. 16.4.

March 21, 2007

  
UNITED STATES DISTRICT JUDGE